

REMARKS/ARGUMENTS

Applicant would like to thank the Examiner for the careful consideration given the present application. The application has been carefully reviewed in light of the Office Action, and the following remarks are presented for the Examiner's consideration.

Claims 1-93 have been cancelled and claims 94-164 have been newly added herein. It is believed that the new claims cure the objections made to claims 1, 8, 9, 45 and 77 and also the rejection of claims 1 and 14 under 35 USC 112, second paragraph. Withdrawal of this objection and rejection are requested.

Claims 37-41 were rejected under 35 USC 102(b) as being anticipated by Halsey et al. (US 6,663,025). Claims 37-41 directed to a manifold for a gas burner have been deleted from the present application, thereby rendering the rejection moot. Withdrawal is requested.

Claims 54-59 were rejected under 35 USC 102(b) as being anticipated by Huang (US 5,842,849). Traversal of this rejection is made for at least the following reasons. Claim 54 corresponds with new claims 154 and will be addressed accordingly. Huang fails to disclose at least two generally elongated air inlet ports located in the wall of the distributor. The examiner relies on chamber 30 and holes 172 of Huang as being equivalent to the claimed distributor and air inlet ports, respectively. However, it is clear that the holes 172 of Huang are located in a wall of the gas supply tubes 17 and not in the walls of the chamber 30, as required by the claims. Thus, because Huang does not disclose each and every limitation as set forth in claim 154, Huang cannot anticipate such claim. Withdrawal of this rejection is requested.

Claims 60-68 were rejected under 35 USC 102(b) as being anticipated by Dane (FR 2770620). Traversal of this rejection is made for at least the following reasons. Dane fails to

disclose the claimed transition port and two or more occluding structures at or near a rim of the transition port, as required by new claim 158, which corresponds to old claim 60. More specifically, claim 158 requires that the transition port be the termination of a vertically directed converging passage through which gas is injected by at least one injector. The examiner fails to point to any structure of Dane as being equivalent to the claimed transition port. Further although the examiner points to flame ports 39 as being equivalent to the occluding structure, assuming that the examiner is relying on some sort of wall structure near the flame ports, any such wall structure is clearly not at or near a rim of a transition port, as required by claim 158. Dane clearly fails to disclose each and every limitation set forth in claim 158 and thus, cannot anticipate such claim. Withdrawal of this rejection is requested.

Claim 77 was rejected under 35 USC 102(b) as being anticipated by Bechtold (US 2,506,483). Claim 77 has been canceled herein thereby rendering this rejection moot. Accordingly, withdrawal thereof is requested.

Claims 1, 3, 4, 6-11, 13, 14, 22, 24-31, 35, 36, 42-45, 69-75, 84, and 89-93 were rejected under 35 U.S.C. 103(a) as being unpatentable over Bechtold (US 2,506,483) further in view of Huang (US 5,842,849). Traversal of this rejection is made for at least the following reasons. The proposed combination of Bechtold and Huang fails to disclose, teach, suggest, or otherwise render obvious each distribution chamber having at least three distribution channels having a substantially "T" configuration. Moreover, following are the numerous differences found between Bechtold and the present claims:

Bechtold relates to a single chamber burner with six inwardly projecting fingers or peninsula channels;

Bechtold only has one feed port for all six peninsula channels;

The distribution channel of Bechtold has flame ports only on the peninsula channels so the intervening peripheral portions of the distributors do not feed flame ports directly;

In Bechtold, the peninsula channels have flame ports only on one side of the projection to avoid interference between flames of adjacent fingers;

Adjacent peninsula channels are of differing lengths;

Bechtold does not disclose an exterior ring of flame ports;

Bechtold does not disclose a three chamber distributor;

The burner boxes of Huang are separate and discreet; and

Bechtold discloses only a single feed arrangement for all six peninsula channels.

With respect to Huang, it also includes several differences:

Huang has four arc-shaped burner boxes and a central ring burner;

Huang does not disclose distribution channels;

Huang does not have a venturi;

Huang does not have peninsula distribution channels; and

Huang does not have an unobstructed aperture because of the central burner.

Due to the differences between Bechtold and Huang, there would have been no motivation to combine the cited references in the manner suggested by the examiner. Bechtold has only a single distributor chamber, and Huang has four arc-shaped burner boxes surrounding a central ring burner. Accordingly, any combination of these two references could only be accomplished by hindsight – using the present claims as a roadmap to piece together various

features. The two arrangements of the cited references are mutually exclusive. Bechtold discloses a single chamber distributor with a circular distribution channel. Huang has no distributor channels. Huang has four arc-shaped burner boxes surrounding a central ring burner.

Huang discloses a central ring burner, which is also included in claim 1 of Huang. This indicates that the central ring burner is essential to the disclosure of Huang. Neither document discloses how to combine a central ring burner with inward peninsula channels. Thus the addition of inward peninsula channels to Huang would not be technically simple and would not have been obvious to a person skilled in the art.

There is no reason to combine the two documents because Huang teaches the use of a central ring burner to heater the center of the cooking implement.

Even if the two documents are combined, the combination does not anticipate the present invention. The present invention has double sided peninsulas and this is not disclosed or suggested by the combination of Bechtold and Huang. Bechtold has single sided peninsula channels and Huang has no channels at all. Thus Bechtold with six peninsulas has only six inwardly projecting flame ports, while the present claims, with three peninsulas, also provides six rows of flame ports because of the use of double-sided peninsulas.

Claims 17-21, 46-52 and 76 were rejected under 35 USC 103(a) as being unpatentable over Bechtold in view of Huang and further in view of Dane (US 6,655,954). Traversal of this rejection is made for at least the following reasons. The claims which correspond to old claims 17-21, 46-52 and 76 depend from claims believed to be allowable over the cited combination of Bechtold and Huang as discussed above. Dane does not make up for these aforementioned deficiencies. Accordingly, withdrawal of this rejection is requested.

Claims 32-34 were rejected under 35 USC 103(a) as being unpatentable over Bechtold in view of Huang further in view of Halsey (US 6,663,025). Traversal of this rejection is made for at least the following reasons. The claims which correspond to old claims 32-24 depend from claims believed to be allowable over the cited combination of Bechtold and Huang as discussed above. Halsey does not make up for these aforementioned deficiencies. Accordingly, withdrawal of this rejection is requested.

Claims 81-83 and 85-88 were rejected under 35 USC 103(a) as being unpatentable over Bechtold further in view of Dane ('954). Traversal of this rejection is made for at least the following reasons. The claims which correspond to old claims 81-83 and 85-88 depend from claims believed to be allowable over Bechtold as discussed above. Dane does not make up for these aforementioned deficiencies. Accordingly, withdrawal of this rejection is requested.

In consideration of the foregoing analysis, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in a condition for allowance, the examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application. If there are any fees resulting from this communication, please charge same to our Deposit Account No. 16-0820, our Order No. ABE-40943.

Respectfully submitted,
PEARNE & GORDON LLP

By: /Una L. Lauricia/
Una L. Laurica, Reg. No. 48998

1801 East 9th Street, Ste 1200
Cleveland, Ohio 44114-3108
(216) 579-1700
Date: August 28, 2009